

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

**'08 MJ 8791**

UNITED STATES OF AMERICA,  
Plaintiff,

v.

Irma Yanet AYON De Fernandez

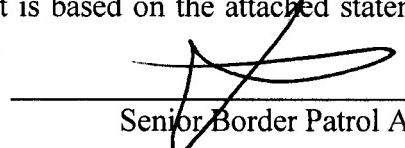
Defendant,

) Mag. Case No.  
 ) COMPLAINT FOR VIOLATION OF:  
 )  
 ) Title 8, U.S.C., Section 1324  
 ) (a)(1)(A)(ii) -Illegal Transportation of  
 ) Alien(s)  
 )  
 )  
 )

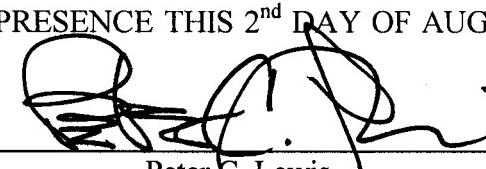
The undersigned complainant, being duly sworn, states:

On or about August 29, 2008, within the Southern District of California, defendant Irma Yanet AYON De Fernandez, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, Violeta SANCHEZ-Correa, had come to, entered or remained in the United States in violation of law, did transport or move, said alien within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant states that this complaint is based on the attached statement of facts which, is incorporated herein by reference.

  
\_\_\_\_\_  
Senior Border Patrol Agent

SWORN TO BEFORE AND SUBSCRIBED IN MY PRESENCE THIS 2<sup>nd</sup> DAY OF AUGUST 2008.

  
\_\_\_\_\_  
Peter C. Lewis  
United States Magistrate Judge

DEFENDANT: Irma Yanet AYON De Fernandez

I, Senior Border Patrol Agent Mikuski declare under penalty of Perjury, the following is true and correct:

## **PROBABLE CAUSE STATEMENT**

The complainant states that this complaint is based upon statements in the investigative reports by U.S. Border Patrol Agent S. Templine that on August 29, 2008, the defendant, Irma Yanet AYON De Fernandez a United States citizen, was apprehended in Calexico, California, along with (1) one undocumented alien from Mexico, in violation of law.

On August 29, 2008, at approximately 3:00 P.M. U.S. Border Patrol Agent's witnessed an individual, later identified as Violeta SANCHEZ-Correa, make an illegal entry into the United States by climbing over the International Boundary Fence from Mexico east of Calexico, California. Agents soon observed a white-colored Ford Explorer come south on Bowker Road toward SANCHEZ' location. Agent Templin was able to see the driver of the Ford was a female, later identified as Irma Yanet AYON De Fernandez, and that she was wearing a dark colored shirt. Agent Templin was also able to see the passenger, later identified as Jovanna Lisset FERNANDEZ, was wearing a bright colored purple shirt. The agents watched as the Ford make a U-turn and head north again on Bowker Road. Agents saw the Ford pull to a stop and SANCHEZ board the Ford. The Ford continued northbound on Bowker Road away form the border area. Agents were able to follow the Ford into the city of Calexico. Agents report the vehicle was traveling well above the posted speed limits as it traveled into the city. At the intersection of Eisenhower Avenue and Johnson Street, Agent Templin saw the Ford come to an abrupt stop and SANCHEZ exit the Ford. SANCHEZ ran into the yard of a nearby house and attempt to hide herself.

The Ford began traveling toward the Agents. As the Ford approached the Agents it came to a stop and Agent Templine could see AYON and FERNANDEZ were still seated in the same positions they were in when SANCHEZ boarded the Ford. As Agent Templine approached the Ford, he identified himself to AYON and FERNANDEZ and questioned them. It was determined both AYON and FERNANDEZ are citizens of the United States, AYON and FERNANDEZ stated they were on their way to Mexicali, Mexico.

As Agent Templine questioned AYON and FERNANDEZ, Agents B. Whittenburg and J. Policastro approached SANCHEZ. After identifying themselves to SANCHEZ, they questioned her and determined she is a citizen of Mexico illegally in the United States. AYON, FERNANDEZ and SANCHEZ were placed under arrest.

At the station, Agent J. Sanchez witnessed Agent M. Hernandez read AYON her rights and later read FERNANDEZ her rights per Miranda. FERNANDEZ stated she was coming from Mexicali, Mexico. FERNANDEZ stated nobody ever got into the vehicle she was in. FERNANDEZ stated neither her mother nor her have ever been arrest for alien smuggling before, although she has been questioned about it.

Material Witness Violeta SANCHEZ-Correa stated she made arrangement with a smuggler in Mexico to be smuggled into the United States for the fee of \$3,200. SANCHEZ stated she was told after crossing the border fence to run north and find a tree. SANCHEZ stated after finding the tree a white truck stopped right in front of her and the passenger, FERNANDEZ, opened the door and told her to get in. SANCHEZ stated FERNANDEZ helped her get in the truck and the driver, AYON, told her to sit down. SANCHEZ stated later AYON told her to get out of the truck in a fast manner and hide. SANCHEZ was shown six-pack photo-lineup #1 and identified photo #1, AYON,

DEFENDANT: Irma Yanet AYON De Fernandez

as the driver of the vehicle. SANCHEZ was shown six-pack photo line-up #2 and identified photo #2, FERNANDEZ, as the passenger who opened the door for her.

The complainant states that the names of the Material Witnesses are as follows:

NAME	PLACE OF BIRTH
Violeta SANCHEZ-Correa	Mexico

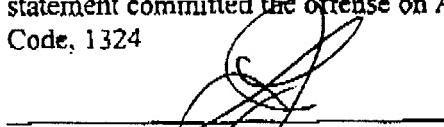
Further, complainant states that Violeta SANCHEZ-Correa is a citizen of a country other than the United States; that said alien has admitted that she is deportable; that her testimony is material, that it is impracticable to secure her attendance at the trial by subpoena; and she is a material witness in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

Executed on August 30, 2008, at 9:30 AM.



Michael Mikuski  
Senior Border Patrol Agent

On the basis of the facts presented in the probable cause statement consisting of 2 pages, I find Probable Cause to believe that the defendant named in this probable cause statement committed the offense on August 29, 2008 in violation of Title 8, United States Code, 1324



Honorable Leo S. Papas  
United States Magistrate Judge

8/30/08-1152 Am

Date/Time